

110TH CONGRESS
2D SESSION

H. R. 6729

To encourage greater energy efficiency in building codes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2008

Mr. DINGELL (for himself and Mr. BOUCHER) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To encourage greater energy efficiency in building codes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. GREATER ENERGY EFFICIENCY IN BUILDING**
4 **CODES.**

5 (a) IN GENERAL.—Section 304 of the Energy Con-
6 servation and Production Act (42 U.S.C. 6833) is amend-
7 ed to read as follows:

8 **“SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-**
9 **CIENCY CODES.**

10 “(a) UPDATING NATIONAL MODEL BUILDING EN-
11 ERGY CODES.—(1) The Secretary shall support updating
12 the national model building energy codes and standards

1 at least every 3 years to achieve overall energy savings,
2 compared to the 2006 IECC for residential buildings and
3 ASHRAE Standard 90.1–2007 for commercial buildings,
4 of at least—

5 “(A) 30 percent in editions of each model code
6 or standard released in or after 2010; and

7 “(B) 50 percent in editions of each model code
8 or standard released in or after 2020.

9 Targets for specific years shall be set by the Secretary
10 at least 3 years in advance of each target year, coordinated
11 with the IECC and ASHRAE Standard 90.1 cycles, at the
12 maximum level of energy efficiency that is technologically
13 feasible and life-cycle cost effective.

14 “(2)(A) Whenever the provisions of the IECC or
15 ASHRAE Standard 90.1 regarding building energy use
16 are revised, the Secretary shall make a preliminary deter-
17 mination not later than 90 days after the date of the revi-
18 sion, and a final determination not later than 12 months
19 after the date of such revision, on—

20 “(i) whether such revision will improve energy
21 efficiency in buildings; and

22 “(ii) whether such revision will meet the targets
23 under paragraph (1).

24 “(B) If the Secretary makes a determination under
25 subparagraph (A)(ii) that a code or standard does not

1 meet the targets under paragraph (1), or if a national
2 model code or standard is not updated for more than 3
3 years, then the Secretary shall, within 12 months after
4 such determination, establish a modified code or standard
5 that meets such targets. Any such modified code or stand-
6 ard—

7 “(i) shall achieve the maximum level of energy
8 savings that is technologically feasible and life-cycle
9 cost-effective;

10 “(ii) shall be based on the latest revision of the
11 IECC or ASHRAE Standard 90.1, including any
12 amendments or additions thereto, but may also con-
13 sider other model codes or standards; and

14 “(iii) shall serve as the baseline for the next de-
15 termination under subparagraph (A)(i).

16 “(C) The Secretary shall provide the opportunity for
17 public comment on targets, determinations, and modified
18 codes and standards under this subsection, and shall pub-
19 lish notice of targets, determinations, and modified codes
20 and standards under this subsection in the Federal Reg-
21 ister.

22 “(b) STATE CERTIFICATION OF BUILDING ENERGY
23 CODE UPDATES.—(1) Not later than 2 years after the
24 date of enactment of this subsection, each State shall cer-
25 tify to the Secretary that it has reviewed and updated the

1 provisions of its residential and commercial building codes
2 regarding energy efficiency. Such certification shall in-
3 clude a demonstration that such State’s code provisions
4 meet or exceed the 2006 IECC for residential buildings
5 and the ASHRAE Standard 90.1–2007 for commercial
6 buildings, or achieve equivalent or greater energy savings.

7 “(2)(A) If the Secretary makes an affirmative deter-
8 mination under subsection (a)(2)(A)(i) or establishes a
9 modified code or standard under subsection (a)(2)(B),
10 each State shall, within 2 years after such determination
11 or establishment, certify that it has reviewed and updated
12 the provisions of its building code regarding energy effi-
13 ciency. Such certification shall include a demonstration
14 that such State’s code provisions meet or exceed the re-
15 vised code or standard, or achieve equivalent or greater
16 energy savings.

17 “(B) If the Secretary fails to make a determination
18 under subsection (a)(2)(A)(i) by the date specified in sub-
19 section (a)(2), or makes a negative determination, each
20 State shall within 2 years after the specified date or the
21 date of the determination, certify that it has reviewed the
22 revised code or standard, and updated the provisions of
23 its building code regarding energy efficiency to meet or
24 exceed any provisions found to improve energy efficiency

1 in buildings, or to achieve equivalent or greater energy
2 savings in other ways.

3 “(c) STATE CERTIFICATION OF COMPLIANCE WITH
4 BUILDING CODES.—(1) Each State shall, not later than
5 3 years after a certification under subsection (b), certify
6 that it has—

7 “(A) achieved compliance under paragraph (3)
8 with the certified State building energy code or with
9 the associated model code or standard; or

10 “(B) made significant progress under para-
11 graph (4) toward achieving compliance with the cer-
12 tified State building energy code or with the associ-
13 ated model code or standard.

14 If the State certifies progress toward achieving compli-
15 ance, the State shall repeat the certification each year
16 until it certifies that it has achieved compliance.

17 “(2) A certification under paragraph (1) shall include
18 documentation of the rate of compliance based on inde-
19 pendent inspections of a random sample of the new and
20 renovated buildings covered by the code in the preceding
21 year, or based on an alternative method that yields an ac-
22 curate measure of compliance.

23 “(3)(A) A State shall be considered to achieve compli-
24 ance under paragraph (1) if—

1 “(i) at least 90 percent of new and renovated
2 building space covered by the code in the preceding
3 year substantially meets all the requirements of the
4 code regarding energy efficiency, or achieves an
5 equivalent energy savings level; or

6 “(ii) the estimated excess energy use of new
7 and renovated buildings that did not meet the code
8 in the preceding year, compared to a baseline of
9 comparable buildings that meet the code, is not more
10 than 5 percent of the estimated energy use of all
11 new and renovated buildings covered by the code in
12 the preceding year.

13 “(B) Only renovations with building permits are cov-
14 ered under this paragraph. If the Secretary determines the
15 percentage targets under subparagraph (A) are not rea-
16 sonably achievable for renovated residential or commercial
17 buildings, the Secretary may reduce the targets for such
18 renovated buildings to the highest achievable level.

19 “(4)(A) A State shall be considered to have made sig-
20 nificant progress toward achieving compliance for pur-
21 poses of paragraph (1) if the State—

22 “(i) has developed and is implementing a plan
23 for achieving compliance within 8 years, assuming
24 continued adequate funding, including active train-
25 ing and enforcement programs;

1 “(ii) after 1 or more years of adequate funding,
2 has demonstrated progress, in conformance with the
3 plan described in clause (i), toward compliance;

4 “(iii) after 5 or more years of adequate fund-
5 ing, meets the requirement in paragraph (3) sub-
6 stituting 80 percent for 90 percent or substituting
7 10 percent for 5 percent; and

8 “(iv) has not had more than 8 years of ade-
9 quate funding.

10 “(B) Funding shall be considered adequate, for pur-
11 poses of this paragraph, when the Federal Government
12 provides to the States at least \$50,000,000 in a year in
13 funding and support for development and implementation
14 of State building energy codes, including for training and
15 enforcement.

16 “(d) FAILURE TO MEET DEADLINES.—(1) A State
17 that has not made a certification required under sub-
18 section (b) or (c) by the applicable deadline shall submit
19 to the Secretary a report on—

20 “(A) the status of the State with respect to
21 meeting the requirements and submitting the certifi-
22 cation; and

23 “(B) a plan for meeting the requirements and
24 submitting the certification.

1 “(2) Any State for which the Secretary has not ac-
2 cepted a certification by a deadline under subsection (b)
3 or (c) of this section is out of compliance with this section.

4 “(3) In any State that is out of compliance with this
5 section, a local government may be in compliance with this
6 section by meeting the certification requirements under
7 subsections (b) and (c) of this section.

8 “(4) The Secretary shall annually submit to Con-
9 gress, and publish in the Federal Register, a report on
10 the status of national model building energy codes and
11 standards, the status of code adoption and compliance in
12 the States, and implementation of this section. The report
13 shall include estimates of impacts of past action under this
14 section and potential impacts of further action on lifetime
15 energy use by buildings and resulting energy costs to indi-
16 viduals and businesses.

17 “(e) TECHNICAL ASSISTANCE.—(1) The Secretary
18 shall on a timely basis provide technical assistance to
19 model code-setting and standard development organiza-
20 tions. This assistance shall include technical assistance as
21 requested by the organizations in evaluating code or
22 standards proposals or revisions, building energy analysis
23 and design tools, building demonstrations, and design as-
24 sistance and training. The Secretary shall submit code and
25 standard amendment proposals, with supporting evidence,

1 sufficient to enable the national model building energy
2 codes and standards to meet the targets in subsection
3 (a)(1).

4 “(2) The Secretary shall provide technical assistance
5 to States to implement the requirements of this section,
6 including procedures for States to demonstrate that their
7 code provisions achieve equivalent or greater energy sav-
8 ings than the national model codes and standards, and to
9 improve and implement State residential and commercial
10 building energy efficiency codes or to otherwise promote
11 the design and construction of energy efficient buildings.

12 “(f) AVAILABILITY OF INCENTIVE FUNDING.—(1)
13 The Secretary shall provide incentive funding to States to
14 implement the requirements of this section, and to im-
15 prove and implement State residential and commercial
16 building energy efficiency codes, including increasing and
17 verifying compliance with such codes. In determining
18 whether, and in what amount, to provide incentive funding
19 under this subsection, the Secretary shall consider the ac-
20 tions proposed by the State to implement the requirements
21 of this section, to improve and implement residential and
22 commercial building energy efficiency codes, and to pro-
23 mote building energy efficiency through the use of such
24 codes.

1 “(2) Additional funding shall be provided under this
2 subsection for implementation of a plan to achieve and
3 document at least a 90 percent rate of compliance with
4 residential and commercial building energy efficiency
5 codes, based on energy performance—

6 “(A) to a State that has adopted and is imple-
7 menting, on a Statewide basis—

8 “(i) a residential building energy efficiency
9 code that meets or exceeds the requirements of
10 the 2006 IECC, or any succeeding version of
11 that code that has received an affirmative de-
12 termination from the Secretary under sub-
13 section (a)(2)(A)(i); and

14 “(ii) a commercial building energy effi-
15 ciency code that meets or exceeds the require-
16 ments of the ASHRAE Standard 90.1–2007, or
17 any succeeding version of that standard that
18 has received an affirmative determination from
19 the Secretary under subsection (a)(2)(A)(i); or

20 “(B) in a State in which there is no Statewide
21 energy code for either residential buildings or com-
22 mercial buildings, or where State codes fail to com-
23 ply with subparagraph (A), to a local government
24 that has adopted and is implementing residential

1 and commercial building energy efficiency codes, as
2 described in subparagraph (A).

3 “(3) Of the amounts made available under this sub-
4 section, the Secretary may use amounts required, not ex-
5 ceeding \$500,000 for each State, to train State and local
6 officials to implement codes described in paragraph (2).

7 “(4) There are authorized to be appropriated to carry
8 out this subsection—

9 “(A) \$70,000,000 for each of fiscal years 2009
10 through 2013; and

11 “(B) such sums as are necessary for fiscal year
12 2014 and each fiscal year thereafter.”.

13 (b) DEFINITION.—Section 303 of the Energy Con-
14 servation and Production Act (42 U.S.C. 6832) is amend-
15 ed by adding at the end the following new paragraph:

16 “(17) The term ‘IECC’ means the International
17 Energy Conservation Code.”.

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